

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference B040029WO01-	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/001026	International filing date (<i>day/month/year</i>) 26 January 2005 (26.01.2005)	Priority date (<i>day/month/year</i>) 30 January 2004 (30.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KANEKA CORPORATION			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 22 August 2006 (22.08.2006)
Facsimile No. +41 22 338 82 70		Authorized officer Yoshiko Kuwahara
Form PCT/TB/373 (January 2004)		e-mail: pt07@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

B040029WO01-

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/001026

International filing date (day/month/year)

26.01.2005

Priority date (day/month/year)

30.01.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

KANEKA CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001026

Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

WRITTEN OPINION OF THE
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International application No.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1 - 4</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1 - 4</u>	NO
Industrial applicability (IA)	Claims <u>1 - 4</u>	YES
	Claims _____	NO

2. Citations and explanations:

Document 1: JP, 2-132174, A (Kaneko Corp.), 21 May, 1990 (21.05.90)
 Document 2: JP, 60-35069, A (Kaneko Corp.), 22 February, 1985 (22.02.85)
 Document 3: JP, 59-71377, A (Kaneko Corp.), 23 April, 1984 (23.04.84)
 Document 4: JP, 61-116327, A (Sekisui Chemical Co., Ltd.), 03 June, 1986 (03.06.86)
 Document 5: JP, 2003-105303, A (DiaBond Kogyo Kabushiki Kaisha), 09 April, 2003 (09.04.03)

*See our letter
Kaneka*

The subject matters of claims 1-4 do not appear to involve an inventive step according to the disclosed contents of documents 1-5 cited in the ISR.

In documents 1-5, a polyoxyalkylene polymer (mixture) having an average of one or more hydrolysable silyl group per molecule on the end including having an average molecular weight of 15,000, and an adhesive composition including a tackifier resin and a hardening resin is disclosed.

When comparing each of the inventions of claims 1-4 and each of the inventions disclosed in documents 1-5, in the inventions of claims 1-4, in regard to the combined application of (A) a high molecular weight polymer having a hydrolysable silyl group of 1.3 or more in a molecule and (B) a polyoxyalkylene low molecular weight polymer having 0.3 - 1.3 hydrolysable silyl group in a molecule, in documents 1-5, assuming a hydrolysable silyl group containing polymer, the combined application of (A) a high molecular weight polymer containing a hydrolysable silyl group of 1.3 or more in a molecule and (B) a polyoxyalkylene low molecular weight polymer containing 0.3 - 1.3 hydrolysable silyl groups in a molecule is not specifically disclosed and is to some extent dissimilar.

However, even examining the disclosed content of this international written application, assuming a hydrolysable silyl group containing polymer, the combined application of the two types of polymers mentioned above is not recognized as accomplishing significant special actual results compared with using other substances, and in each of the inventions disclosed in documents 1-5 above, as hydrolysable silyl containing polymers, regarding the combined application of the two substances mentioned above, it is not recognized as being especially technically difficult.

Therefore, the inventions of claims 1-4 are regarded as being easily conceivable by a person skilled in the art, based on the disclosed inventions of each of the above-mentioned documents.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001026

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2004-115780 A [E, X]	15.04.2004	26.08.2003	06.09.2002

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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